

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, May 26, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Prayer by the Chaplain.

Absent—Senators Cole and Douglass.

Absent—excused—Senators Evans, Flanagan, Pickett, Saylor and Tendick.

On motion of Senator Ruby, the reading of the journal of yesterday was dispensed with.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, May 23, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared substitute for Senate bill No. 417, "An act amendatory of the second and seventh sections of 'an act to provide the mode and mannner of conducting elections, making returns, and for the protection and purity of the ballot box,' approved August 15, A. D. 1870," find the same to be correctly engrossed.

G. T. RUBY,
P. W. HALL.
E. L. DOHONEY,

Report read and received.

On motion of Senator Ruby, the rules were suspended to take from file Senate bill No. 408, "An act to require the Judge of the Eighteenth Judicial District to hold a special term of the District Court of Brazoria county.

On motion of Senator Ruby, the following House amendments were concurred in:

House amendment to Senate bill No. 408: Strike out all after the word "causes" in section one, and insert the following in lieu thereof: "commencing on the last Monday in August, and continuing in session five weeks."

On motion of Senator Baker, the rules were suspended to consider House bill No. 364, "An act for the relief of John Hawkins Brown," and the Governor's message returning the same with his objections thereto. The House having on reconsideration passed the same.

The question being, "Will the Senate upon reconsideration agree to pass the bill?" yeas and nays taken, and the Senate upon reconsideration agreed to pass the bill by the following vote:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Shannon—20.

Nays—Ruby—1.

Senator Fountain moved that the Chairman of the Committee on Judiciary be authorized to return to the Senate all bills and papers referred to said committee.

Senator Mills moved to amend by saying the chairmen of all standing committees.

Senator Ruby moved to reject the amendment, yeas and nays called for and motion to reject lost by the following vote:

Yeas—Baker, Bell, Fountain, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Rawson, Ruby—10.

Nays—Mr. President, Bowers, Broughton, Dohoney, Ford, Gaines, Latimer, Mills, Pyle, Shannon—10.

The question being on the amendment proposed by Senator Mills, the amendment was adopted and motion carried as amended.

Special messages from the Governor by his private Secretary, Mr. Britton, as follows:

GOVERNOR'S OFFICE,
AUSTIN, May 25, 1871.

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that the following named bills have been received by me and approved, to-wit:

Senate bill No. 330, "An act to incorporate the Hebrew Benevolent Society of Brenham, in the county of Washington," approved May 23, 1871.

Senate bill No. 32, "An act to prohibit the sale or otherwise disposing of intoxicating liquors within two miles of Douglassville College, in Davis county, Texas," approved May 23, 1871.

Senate bill No. 284, "An act to incorporate Columbus Lodge House bill No. 647, "An act to amend 'an act prescribing the No. 51, I. O. O. F.," approved May 23, 1871.

Senate bill No. 308, "An act to organize the Bureau of Immigration," approved May 23, 1871.

Senate bill No. 359, "An act to amend the first section of an act entitled 'an act for the incorporation of the city of Paris, in the county of Lamar,' approved August 10, 1870," approved May 23, 1871.

Senate bill No. 377, "An act to incorporate the Banking, Insu-

rance and Mutual Aid Association of Texas," approved May 23, 1871.

Senate bill No. 256, "An act to incorporate the Board of Fund Commissioners of Trinity Conference, Methodist Episcopal Church South," approved May 23, 1871.

House bill No. 682, "An act making an appropriation to defray the expenses incurred by the Secretary of State, James P. Newcomb, while on business connected with the frontier defense bonds and agricultural land scrip," approved May 23, 1871.

House bill No. 647, "An act to amend 'an act prescribing the mode of proceeding in district courts in matters of probate,' approved August 15, 1870," approved May 23, 1871.

House bill No. 281, "An act to incorporate the Waco Gas Light Company," approved May 23, 1871.

House bill No. 166, "An act to incorporate the Germania, at Fayetteville," approved May 23, 1871.

Very respectfully,

EDMUND J. DAVIS,
Governor.

GOVERNOR'S OFFICE,
AUSTIN, May 25, 1871.

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that the following named bills have been received by me and approved, to-wit:

Senate bill No. 92, "An act to authorize the Commissioner of the General Land Office to purchase one hundred and thirty copies of Burlage & Hollingworth's book of Valid Land Titles, to prevent the location of fraudulent land certificates," approved May 24, 1871.

House bill No. 262, "An act to incorporate the San Antonio River Valley Irrigation Company," approved May 24, 1871.

House bill No. 512, "An act to incorporate the Boerne Gesangverein of the town of Boerne, Kendall county, Texas," approved May 24, 1871.

House bill No. 524, "An act to incorporate the Fredericksburg Social Turnverein," approved May 24, 1871.

House bill No. 475, "An act to incorporate the Texas Cotton Press and Manufacturing Company," approved May 24, 1871.

House bill No. 680, "An act to prohibit the sale of intoxicating and spirituous liquors in and within ten miles of the town of Elysian Fields, Harrison county," approved May 24, 1871.

House bill No. 342, "An act to incorporate the Glover Male and Female Academy," approved May 24, 1871.

Senate bill No. 332, "An act regulating appeals in criminal cases," approved May 24, 1871.

Senate bill No. 410, "An act to levy a special tax in the county of Van Zandt," approved May 24, 1871.

Senate joint resolution No. 37, "Joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence in the passage of such an act by the United States Congress as shall incorporate the name of Commodore John G. Tod in the navy of the United States in the same rank held by him in the Texas navy at the date of annexation," approved May 24, 1871.

House joint resolution No. 31, "Joint resolution authorizing the Governor of the State to invite the Hon. Horace Greeley to visit the capital of the State," approved May 24, 1871.

Very respectfully,

EDMUND J. DAVIS,

Governor.

Messages read.

MESSAGES.

Under direction of the President, the Secretary returned to the House the following House bills, which the Senate had passed without amendments:

House bill No. 367, "An act to authorize the transcript of the surveyor's records of Lampasas county."

House bill No. 577, "An act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Bagdad Masonic Institute, in Williamson county, Texas."

And transmitting, for signature of the Speaker, the following enrolled Senate bills:

Substitute Senate bill No. 23, "An act to prohibit the sale of spirituous or intoxicating liquors within two miles of Johnson's Point Male and Female Seminary."

Senate bill No. 205, "An act to incorporate the Paris Gas Company."

Senate bill No. 213, "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Jamestown High School."

Senate bill No. 223, "An act authorizing the compromise of certain suits brought by the State in District Court of Colorado county."

Senate bill No. 274, "An act for the relief of the heirs of Charles G. Bryant, deceased."

Senate bill No. 275, "An act provide for the relief of the heirs of Andrew Jackson Bryant, deceased."

Senate bill No. 278, "An act to incorporate Waco Female College."

Senate bill No. 357, "An act to incorporate the Austin Social Club."

Enrolled bills signed by the Speaker, returned to the Senate and signed by the President in open session.

On motion of Senator Parsons, the rules were suspended to take from file House bill No. 686, "An act amendatory of an act entitled 'an act for the establishment of an Agricultural and Mechanical College of Texas,' approved April 17, 1871."

Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Fountain, the rules were further suspended and House bill No. 686 read third time, passed by the following vote and returned to the House:

Yeas—Mr. President, Baker, Bell, Dohoney, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby—17.

Nays—Bowers, Broughton, Rawson, Shannon—4.

On motion of Senator Parsons, the rules were suspended to take from file House bill No. 669, "An act authorizing railroad companies of this State to hold meetings, either of stockholders or directors, beyond the limits of the State, on certain conditions." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Parsons, the rules were further suspended and House bill No. 669 read third time, passed and returned to the House.

By leave, Senator Pyle introduced the following resolution as a substitute for the one introduced yesterday by Senator Baker:

Resolved, That the Secretary and Assistant Secretaries of the Senate are hereby authorized to remain after the recess of this Legislature, to complete the unfinished business of this session, together with such other assistants as may be necessary to complete said work; *provided*, that the Secretary, or his assistants, shall not be authorized to remain longer than thirty days. The Comptroller of Public Accounts is hereby authorized and required to audit the accounts of the Secretary and assistants authorized by this resolution to be retained, upon the certificate of the Secretary of the Senate

that they are entitled to receive the same by authority of this resolution.

Resolution read.

11 o'clock A. M.

Pending action, the hour for the consideration of the special order, House bill No. 338, "An act to confer additional authority upon the Waco and Northwestern Railroad Company."

On motion of Senator Gaines, the special order was postponed until the matter pending be disposed of.

Consideration of resolution introduced by Senator Pyle resumed.

Senator Bowers moved to indefinitely postpone the resolution.

Yeas and nays called, and motion to indefinitely postpone lost by the following vote :

Yeas—Bell, Bowers, Broughton, Dohoney, Hillebrand, Latimer, Mills, Rawson, Shannon—9.

Nays—Mr. President, Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Parsons, Pettit, Pridgen, Pyle, Ruby—12.

Senator Gaines moved to refer the resolution to a select committee. Carried.

The President appointed as such committee Senators Gaines, Baker and Pyle.

Senator Bell offered the following resolution :

Resolved, That the Sergeant-at-Arms be, and he is hereby required to remain ten days after adjournment or recess of the Legislature, to provide for the care of the property of the Senate; and he is also required to return to the Capitol fifteen days before the next meeting of the Legislature to prepare the Senate Chamber for the coming session, and the Secretary is authorized to draw his warrant on the Treasurer for the pay for the same.

Pending action, on motion of Senator Baker, the Senate, at 11:15 o'clock A. M., adjourned to 10 o'clock A. M. Monday.
